

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 209*

Short Title: Nonpartisan Redistricting Commission. (Public)

Sponsors: Senators J. Jackson, Woodard, Chaudhuri (Primary Sponsors); Foushee and Van Duyn.

Referred to: Rules and Operations of the Senate

March 8, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A NONPARTISAN REDISTRICTING PROCESS.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** Chapter 120 of the General Statutes is amended by adding a new Article
5 to read:

6 "Article 1B.

7 "Nonpartisan Redistricting.

8 "Part 1. General.

9 **"§ 120-4.51. Definitions.**

10 As used in this Article, unless the context requires otherwise, the following definitions apply:

- 11 (1) Census Bureau. – The United States Bureau of the Census.
12 (2) Commission. – The Temporary Redistricting Advisory Commission established
13 pursuant to this Article.
14 (3) Federal census. – The decennial census required by federal law to be conducted
15 by the Census Bureau in every year ending in zero.
16 (4) Four selecting authorities. –
17 a. The President Pro Tempore of the Senate.
18 b. The minority leader of the Senate.
19 c. The Speaker of the House of Representatives.
20 d. The minority leader of the House of Representatives.
21 (5) Ideal population. – The number determined by dividing the number of members
22 in a plan into the population of the State as reported in the federal census.
23 (6) Plan. – A plan for legislative and congressional reapportionment drawn up
24 pursuant to the requirements of this Article.
25 (7) Political party office. – An office in the national or State organization of a
26 political party.
27 (8) Public office. –
28 a. An elective State, local, or federal office.
29 b. An appointive State or federal office.
30 (9) Relative. – An individual who is related to the person in question as father,
31 mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece,
32 husband, wife, grandfather, grandmother, father-in-law, mother-in-law,
33 son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather,
34 stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half
35 sister.



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1 (10) Voting Districts. – The State's voting precincts as reported by the State Board
2 of Elections to the Bureau of the Census as required by G.S. 163-132.1C.

3 "§ 120-4.52. Reserved.

4 "§ 120-4.53. Reserved.

5 "Part 2. Temporary Redistricting Advisory Commission.

6 "§ 120-4.54. Temporary Redistricting Advisory Commission established.

7 (a) Not later than February 15 of each year ending in one, a five-member Temporary
8 Redistricting Advisory Commission shall be established as provided by this section. The
9 Commission's only functions shall be those prescribed by G.S. 120-4.55.

10 (b) Each of the four selecting authorities shall certify to the Chair of the State Board of
11 Elections the authority's appointment of a person to serve on the Commission.

12 (c) Within 10 days after the four selecting authorities have certified their respective
13 appointments, but in no event later than February 15 of the year ending in one, the four
14 commission members so appointed shall select, by a vote of at least three members, and certify to
15 the Chair of the State Board of Elections the fifth Commission member, who shall serve as chair.

16 (d) A vacancy on the Commission shall be filled by the initial selecting authority within 15
17 days after the vacancy occurs.

18 (e) Members of the Commission shall receive from funds appropriated to the General
19 Assembly per diem, travel expenses, and reimbursement for other necessary expenses incurred in
20 performing their duties as provided by G.S. 138-5 or G.S. 138-6, as applicable.

21 (f) No person shall be appointed to the Commission who:

22 (1) Is not a registered voter of this State at the time of selection.

23 (2) Holds public office or political party office.

24 (3) Is a relative of or is employed by a member of the General Assembly or of the
25 United States House of Representatives or Senate or is employed directly by the
26 General Assembly or by the United States House of Representatives or Senate.

27 "§ 120-4.55. Duties of Commission.

28 The functions of the Commission shall be as follows:

29 (1) Answer a written request for direction made by the Legislative Services Office
30 when, in preparation of plans as required by this Article, the Legislative
31 Services Office is confronted with the necessity to make any decision for which
32 G.S. 120-4.60 provides no clearly applicable guideline.

33 (2) Authorize by adoption of policies the release of information under
34 G.S. 120-4.58(f).

35 (3) Upon the delivery by the Legislative Services Office to the General Assembly
36 of a bill embodying an initial plan, as required by G.S. 120-4.58(d), the
37 Commission shall:

38 a. As expeditiously as reasonably possible, schedule and conduct at least
39 three public hearings, in different geographic regions of the State, on
40 that plan.

41 b. Following the hearings, promptly prepare and submit to the Principal
42 Clerks of both the Senate and the House of Representatives a report
43 summarizing information and testimony received by the Commission in
44 the course of the hearings. The Commission's report shall include any
45 comments and conclusions which its members deem appropriate on the
46 information and testimony received at the hearings or otherwise
47 presented to the Commission. The report as to a plan shall be submitted
48 no later than 14 calendar days after the date the bill embodying an initial
49 plan is delivered to the General Assembly.

50 "§ 120-4.56. Reserved.

51 "§ 120-4.57. Reserved.

"Part 3. Redistricting Process."§ 120-4.58. Preparations for redistricting.

(a) The Legislative Services Office shall acquire appropriate information, review and evaluate information, review and evaluate available facilities, and develop programs and procedures in preparation for drawing congressional and legislative redistricting plans on the basis of each federal census. Funds shall be expended for the purchase or lease of equipment and materials only with prior approval of the Legislative Services Commission.

(b) By December 31 of each year ending in zero, the Legislative Services Office shall obtain from the Census Bureau information regarding geographic and political units in this State for which federal census population data has been gathered and will be tabulated. The Legislative Services Office shall use the data so obtained to:

(1) Prepare necessary descriptions of geographic and political units for which census data will be reported and that are suitable for use as components of legislative districts.

(2) Prepare maps of counties, cities, precincts, voting districts, and other geographic units within the State that may be used to illustrate the locations of legislative district boundaries proposed in plans drawn in accordance with this Article.

(c) As soon as possible after January 1 of each year ending in one, the Legislative Services Office shall obtain from the Census Bureau the population data needed for congressional and legislative districting that the Census Bureau is required to provide this State under P.L. 94-171 and shall use that data to assign a population figure to geographic and political units based upon that data. Upon completing that task, the Legislative Services Office shall begin the preparation of congressional and legislative districting plans as required by this Article.

(d) Not later than April 1 of each year ending in one, the Legislative Services Office shall deliver to the Principal Clerks of both the Senate and the House of Representatives and to the members of the Senate and the House of Representatives three sets of companion bills embodying plans for redistricting both houses of the North Carolina General Assembly and the Congressional Districts, respectively, prepared in accordance with this Article.

(e) If the population data for legislative districting that the Census Bureau is required to provide this State under P.L. 94-171 and, if used by the Legislative Services Office, the corresponding geographic referencing data file for that population data are not available to the Legislative Services Office on or before February 15 of a year ending in one, the April 1 date set forth in subsection (d) of this section shall be extended by a number of days equal to the number of days after February 15 of the year ending in one that the federal census population data and the geographic encoding and referencing data file for legislative districting become available.

(f) Prior to delivering any plan and the bill embodying that plan in accordance with this section, the Legislative Services Office shall provide to persons outside its staff only such information regarding the plan as may be required by policies agreed upon by the Temporary Redistricting Advisory Commission. This subsection does not apply to population and geographic data furnished to the Legislative Services Office by the Census Bureau.

(g) Notwithstanding G.S. 120-133, upon each delivery by the Legislative Services Office to the General Assembly of a bill embodying a plan, pursuant to this Article, the Legislative Services Office shall at the earliest feasible time make available to the public the following information:

(1) Copies of the bill delivered by the Legislative Services Office to the General Assembly.

(2) Maps illustrating the plan.

(3) A summary of the standards prescribed by this Article for development of the plan.

1 (4) A statement of the population of each district included in the plan and the
2 relative deviation of each district population from the ideal district population.

3 (5) Shape files.

4 **"§ 120-4.59. Voting on Redistricting Plans.**

5 (a) The bill embodying a plan submitted by the Legislative Services Office under
6 G.S. 120-4.58(d) shall be brought to a vote in either the Senate or the House of Representatives
7 expeditiously, but not less than three legislative days after the report of the Temporary
8 Redistricting Advisory Commission required by G.S. 120-4.55 is received and made available to
9 the members of the General Assembly. The bill shall be voted in under a procedure or rule
10 permitting no amendments except those of a purely corrective nature. If the bill is approved on
11 third reading by the first house in which it is considered, it shall expeditiously be brought to a vote
12 in the second house under a similar procedure or rule. If the bill embodying the plan submitted by
13 the Legislative Services Office under G.S. 120-4.58(d) fails to be approved on second or third
14 reading in either the Senate or the House of Representatives, the respective Chamber may direct
15 by resolution to the Legislative Services Office information regarding reasons why the plan was
16 not approved.

17 (b) If the bill embodying the plan submitted by the Legislative Services Office under
18 G.S. 120-4.58(d) fails to pass second or third reading in either house, the Legislative Services
19 Office shall prepare a bill embodying a second plan of legislative and congressional districting.
20 The bill shall be prepared in accordance with this section and, insofar as it is possible to do so
21 within the requirements of G.S. 120-4.60, with any reasons cited by the Senate or House of
22 Representatives for the failure to approve the plan. If a second plan is required under this
23 subsection, the bill embodying it shall be delivered to the Principal Clerks of both the Senate and
24 the House of Representatives and to the members of the Senate and the House of Representatives
25 not later than 35 calendar days after the date of the vote by which the Senate or the House of
26 Representatives fails to approve the bill submitted under G.S. 120-4.58(d). If it is necessary to
27 submit a bill under this subsection, the bill shall be brought to a vote not less than seven calendar
28 days after the bill is submitted and made available to the members of the General Assembly, under
29 a procedure or rule permitting no amendments except those of a purely corrective nature. If the bill
30 is approved on third reading by the first house in which it is considered, it shall expeditiously be
31 brought to a vote in the second house under a similar procedure or rule. If the bill embodying the
32 plan submitted by the Legislative Services Office under this subsection fails to be approved on
33 second or third reading in either the Senate or the House of Representatives, the respective
34 Chamber may direct by resolution to the Legislative Services Office information regarding reasons
35 why the plan was not approved.

36 (c) If the bill embodying the plan submitted by the Legislative Services Office under
37 subsection (b) fails to be enacted, the same procedure as prescribed by subsection (b) of this
38 section shall be followed. If a third plan is required under this subsection, the bill embodying it
39 shall be delivered to the Principal Clerks of both the Senate and the House of Representatives and
40 to the members of the Senate and the House of Representatives not later than 35 calendar days
41 after the date of the vote by which the Senate or the House of Representatives fails to approve the
42 bill submitted under subsection (b) of this section. If it is necessary to submit a bill under this
43 subsection, the bill shall be brought to a vote within the same time period after its delivery to the
44 Principal Clerks of both the Senate and the House of Representatives as is prescribed for the bill
45 submitted under subsection (b) of this section but shall be subject to amendment in the same
46 manner as other bills.

47 **"§ 120-4.60. Redistricting standards.**

48 (a) Legislative and congressional districts shall be established on the basis of population.

49 (b) Legislative districts shall each have a population that is within five percent (5%) of the
50 ideal population for that district.

1 (c) Congressional districts shall each have a population as nearly equal as practicable to
2 the ideal population, but in all cases within one-tenth of a percent (0.1%) of the ideal population.

3 (d) Legislative and congressional districts shall be drawn in a manner that complies with
4 requirements of federal and State law.

5 (e) To the extent consistent with other standards provided by this section, district
6 boundaries in a plan shall coincide with the boundaries of political subdivisions of the State. In the
7 State Senate and House of Representatives plans, the "whole county" requirements established by
8 the North Carolina Constitution shall be complied with in a manner consistent with federal law.
9 The number of counties and cities divided among more than one district shall be as small as
10 possible, but in the case of cities located in more than one county, minimizing the division of
11 counties prevails. The division of voting districts shall also be minimized consistent with the other
12 standards of this section.

13 (f) Districts shall be composed of convenient contiguous territory. Areas which meet only
14 at the points of adjoining corners are not contiguous.

15 (g) Districts shall be reasonably compact in form, to the extent consistent with the
16 standards established by this section. In general, reasonably compact districts are those that are
17 square, rectangular, or hexagonal in shape, and not irregularly shaped, to the extent of natural or
18 political boundaries or those of voting districts. If it is necessary to compare the relative
19 compactness of two or more districts, or of two or more alternative districting plans, the tests
20 prescribed by this subsection shall be used as follows:

21 (1) Length-width compactness. – The compactness of a district is greatest when the
22 length of the district and the width of the district are equal. The measure of a
23 district's compactness is the absolute value of the difference between the length
24 and the width of the district. In general, the length-width compactness of a
25 district is calculated by measuring the distance from the northernmost point or
26 portion of the boundary of a district to the southernmost point or portion of the
27 boundary of the same district and the distance from the westernmost point or
28 portion of the boundary of the district to the easternmost point or portion of the
29 boundary of the same district. The absolute values computed for individual
30 districts under this subdivision may be cumulated for all districts in a plan in
31 order to compare the overall compactness of two or more alternative districting
32 plans for the State or for a portion of the State.

33 (2) Perimeter compactness. – The compactness of a district is greatest when the
34 distance needed to traverse the perimeter boundary of a district is as short as
35 possible. The total perimeter distance computed for individual districts under
36 this subdivision may be cumulated for all districts in a plan in order to compare
37 the overall compactness of two or more alternative districting plans for the
38 State or for a portion of the State.

39 (h) No district shall be drawn for the purpose of favoring a political party, incumbent
40 legislator, or member of Congress, or other person or group, or for the purpose of augmenting or
41 diluting the voting strength of a language or racial minority group. In establishing districts, no use
42 shall be made of any of the addresses or geographic locations of incumbents.

43 Except to the extent required by the North Carolina and United States Constitutions, the
44 Voting Rights Act of 1965, and applicable court decisions, no use shall be made of:

45 (1) Political affiliations of registered voters.

46 (2) Previous election results.

47 (3) Demographic information, other than population head counts."

48 **SECTION 2.** This act is effective when it becomes law and applies to redistricting
49 following the return of the 2020 federal decennial census and thereafter.